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SOMSANOUK PHENGPHANH

FILED

AUG 29 2006

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR S-04-350-LKK
)	
Plaintiff,)	
)	STIPULATION AND ORDER TO EXTEND
v.)	VOLUNTARY SURRENDER DATE
)	
SOMSANOUK PHENGPHANH,)	
)	
Defendant.)	
)	
)	

It is hereby stipulated and agreed to between the United States of America through Carolyn Delaney, Assistant U.S. Attorney, and the defendant by and through his counsel, Mary French, Supervising Assistant Federal Defender, that the surrender date of Tuesday, August 29, 2006, be continued to Tuesday, September 12, 2006, no later than 2:00 p.m.

Mr. Phengphang was sentenced to 60 days incarceration on July 18, 2006. Judgment was entered on July 28, 2006. The Bureau of Prisons designated Mr. Phengphang late in the day on August 14, 2006, after a

1 Stipulation and Order had already been signed extending his voluntary
2 surrender date to August 29, 2006 at 2:00 p.m.

3 On August 28, 2006, Mr. Phengphanh traveled from his home in
4 Stockton to the California City Correctional Institution in California
5 City, California, the facility where he had been designated, to self-
6 surrender (one day early). However, when Mr. Phengphanh arrived at the
7 California City Correctional Institution, he was told that, based on
8 his medical condition, his designation had been "canceled" by the
9 Bureau of Prisons and the facility could not accept him. Undersigned
10 counsel has verified that the Bureau of Prisons did in fact "cancel"
11 Mr. Phengphanh's designation; however, it forgot to inform Mr.
12 Phengphanh, the U.S. Marshal's Office, or defense counsel of the change
13 in designation plans.

14 From several phone calls to the Designation and Sentence
15 Computation Center in Texas, it appears that the Bureau of Prisons is
16 in the process of re-designating Mr. Phengphanh to a correctional
17 institution where Mr. Phengphanh's medical needs can best be met.

18 One again, because Mr. Phengphanh is a kidney transplant patient,
19 and requires on-going medical attention, it would be preferable for Mr.
20 Phengphanh to self-surrender directly to the designated Bureau of
21 Prisons facility where his medical needs can be attended to immediately
22 upon arrival.

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28 Stipulation and Order re
Voluntary Surrender Date

The Office of the Federal Defender has been in contact with United States Assistant Attorney Carolyn Delaney, and she has no objections to continuing this defendant's self-surrender date for two weeks.

Dated: August 29, 2006

Respectfully submitted,

DANIEL J. BRODERICK
Federal Defender

/s/ Mary M. French

MARY M. FRENCH
Assistant Federal Defender
Attorney for Defendant
SOMSANOUEK PHENGPHANH

Dated: August 29, 2006

MCGREGOR W. SCOTT
United States Attorney


/s/ Mary M. French for
Carolyn Delaney

CAROLYN DELANEY
Assistant U.S. Attorney
per telephonic authorization

ORDER

IT IS SO ORDERED.

Dated: August 29, 2006


LAWRENCE K. KARLTON
United States District Court Judge

Stipulation and Order re
Voluntary Surrender Date